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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/863,878

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Takaaki Amano

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EXAMINER

JANVIER, JEAN D

KATTEN MUCHIN ZAVIS ROSENMAN
 575 MADISON AVENUE
 NEW YORK,, NY 10022-2585

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,878

Applicant(s)

AMANO ET AL.

Examiner

Jean Janvier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Response To Applicant's Amendments

The Examiner approves the new title of the invention, the new abstract of the disclosure, changes made to the specification and to the claims.

Detailed Action

Specification

Status of the claims

Claims 1-5 are now pending in the Instant Application.

Claim Objections

Claims 3 and 4 are objected to because of the following informalities:

With respect to claims 3 and 4, line 2, “....**which displays** advertisement information...” should apparently be --....**to display** advertisement information....--.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 USC 102(a) unpatentable over Goldhaber, US Patent 5, 794, 210 in view of Ikeda, US Patent 5, 937, 391A.

As per claims 1 and 3-5, Goldhaber discloses a system wherein, in one embodiment, an advertiser 62 creates one or more ads 68 that appeal to certain consumers 64, not to others, in accordance with their interest profile 124 (targeted advertisements). The advertiser 62 provides or forwards the created and targeted ads 68 to the Attention brokerage server 106, for permanent storage and later retrieval (storage apparatus), acting as a broker or intermediary between the consumers or viewers 64 and advertisers 62, which transmits or routes the one or more created ads 68 to appropriate consumers 64, upon logging into the system or server 106, contingent upon their psychographic profile 124 (identification data), stored on the Attention brokerage server 106, matching the advertiser's 62 interest profile or criteria (displaying a targeted ad on the viewer's terminal 104 upon identifying the user or viewer when the viewer logs into the server or storage apparatus 106 over the network 102). In short, Attention brokerage servers 106 store information and disseminate it to consumers' computers 104 over a network 102 and the servers 106 provide the software agent 110 with targeted or tagged ads, directed to the consumers' or users' attention in accordance with their interest profile 124, to be viewed or reviewed by consumers 64. Moreover, in another embodiment, a software agent 110 related to a user's 64 device or computer 104, working on behalf of the user, screens and filters the incoming ads 68, provided to the Attention brokerage server 106

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by advertiser or advertisement owner 62, transmitted by the Attention brokerage server 106 to be displayed to the user 64 based on the user's psychographic information 124 stored on the user's computer 104 local database 120. Subsequent to this screening or filtering process, matches achieving a certain threshold of interest (adjustable by the consumer who owns the profile) represented in the form of "agent reports" consisting of short summaries or thumbnails or pointers are displayed on the user's computer 104, wherein, upon activating a thumbnail view indicative of an ad matching, the user's computer 104 or the software agent 110 retrieves the full text and/or graphics corresponding to the matched advertisement 68. In other words, the software agent 110 maintains the user's psychographic or interest profile 124 confidential and performs the screening, filtering and matching itself based on a correlation between the ad criteria presented by the Attention brokerage server 106, on behalf of the advertiser 62, and the user's interest profile 124 stored on the user's computer 104. When matches are found, as indicated by the software agent 110, the Attention brokerage server 106, which stores in a database the advertiser's ads, delivers the matching ads to the user's computer 104 or the software agent 110 may itself retrieve the matching ads from the Attention brokerage server 106 database to be displayed on the user's computer 104.

Alternatively, the software agent 110 may retrieve "thumbnail" brief summaries of the matching ads and display them along with associated Cybercoin icons on the user's computer 104, wherein upon activating a Cybercoin icon, using an input device, displayed next to a "thumbnail" brief summary representing a matching ad, the ad full text and/or graphics is retrieved and displayed to the user and the user is compensated in an amount equal to the value of the displayed Cybercoin.

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(Col. 14: 17 to col. 15: 17; col. 15: 48 to col. 16: 5; col. 19: 26-31; col. 19: 36-61; col. 9: 53-61; col. 6: 24-31; col. 7: 8-19; col. 8: 41-48; col. 10: 9-38).

Further, Goldhaber discloses a method of and system for brokering and selling the attention of a customer wherein, among other things, advertisers pay or compensate the customer for the opportunity to have their ads read by the customer or subscriber of the system. By clicking on a Cybercoin button (or banner, ad box or link) or selectable object, displayed on the customer's PC 104 and representative of an ad, the customer indicates his intention to read the said ad and once the system verifies, through a quiz process, that the customer has indeed read or interacted with the ad or advertisement, which guarantees that the advertiser's message has received full human attention or interaction, the customer is compensated in the form of credits or digital cash (points) for paying attention to the ad. Here, the value of the credits or digital cash (points) is equal to the amount shown on the Cybercoin. As time goes by, the customer accumulates a certain amount of credits or digital cash (points balance) for reading a plurality of targeted ads from a plurality of advertisers, wherein the credits balance or digital cash balance (points total) is stored in a database or customer's digital cash repository 126 and the customer's digital cash repository or the customer's account storing the customer's credits is debited for the customer's use of information unit or report (redemption).

(Col. 16: 6-16; fig. 12; col. 7: 48-61; col. 11: 32-38) and (Col. 4: 47-63; Col. 19: 56-67; figs. 10-11).

As per claim 2, Goldhaber discloses, among other things, a database 120, comprising interest profile file 124, contact information file 122 and account history file

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125, directly coupled to the user's computer 104 (content delivery mechanism) and the information contained in these respective files cannot be released unless authorized by the user to advertisers or any outside third party or entity. Here, for example, the contact information file 122, storing the user's current demographic information and the interest profile file 124 storing the user's current psychographic information are coupled to the user's computer 104 and/or to the Attention brokerage server 106 or intermediary (or owner of the medium) and the intermediary cannot release the user's information or profile to any outside third party. In one embodiment, an advertiser 62 creates one or more ads 68 that appeal to certain consumers 64, not to others, in accordance with their interest profile 124 (to targeted advertisements). The advertiser 62 provides the targeted ads 68 to the Attention brokerage server 106 (content provider or broadcaster or owner of the medium), acting as a broker or intermediary between the consumers 64 and advertisers 62, which transmits or routes the one or more created ads 68 to appropriate consumers 64 contingent upon their psychographic profile 124, stored on the Attention brokerage server 106, matching the advertiser's 62 interest profile or criteria. In short, Attention brokerage servers 106 store information and disseminate it to consumers' computers 104 over a network 102 and the servers 106 provide the software agent 110 with targeted or tagged ads, directed to the consumers' or users' attention in accordance with their interest profile 124, to be viewed or reviewed by consumers 64. Moreover, in another embodiment, a software agent 110 related to a user's 64 device or computer 104, working on behalf of the user, screens and filters the incoming ads 68, provided to the Attention brokerage server 106 by advertiser 62, transmitted by the Attention brokerage server 106 to be displayed to the user 64 based on the user's psychographic information

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124 stored on the user's computer 104 local database 120. Subsequent to this screening or filtering process, matches achieving a certain threshold of interest (adjustable by the consumer who owns the profile) represented in the form of "agent reports" consisting of short summaries or thumbnails or pointers are displayed on the user's computer 104, wherein, upon activating a thumbnail view indicative of an ad matching, the user's computer 104 or the software agent 110 retrieves the full text and/or graphics corresponding to the matched advertisement 68. In other words, the software agent 110 maintains the user's psychographic or interest profile 124 confidential and performs the screening, filtering and matching itself based on a correlation between the ad criteria presented by the Attention brokerage server 106, on behalf of the advertiser 62, and the user's interest profile 124 stored on the user's computer 104. When matches are found, as indicated by the software agent 110, the Attention brokerage server 106 delivers the matching ads to the user's computer 104 or the software agent 110 may itself retrieve the matching ads from the Attention brokerage server 106 to be displayed on the user's computer 104. Alternatively, the software agent 110 may retrieve "thumbnail" brief summaries of the matching ads and display them along with associated Cybercoin icons on the user's computer 104, wherein upon activating a Cybercoin icon, using an input device, displayed next to a "thumbnail" brief summary representing a matching ad, the ad full text and/or graphics is retrieved and displayed to the user and the user is compensated in an amount equal to the value of the displayed Cybercoin (col. 16: 6-41).

As per claims 1-5, Goldhaber does not disclose displaying an advertisement

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information including the advertisement owner's name (ID) on a customer's computer screen when points are being used or redeemed.

However, Ikeda discloses a point-service system (incentive reward program) for issuing points to a customer for purchases made at various stores or shops within an online shopping mall comprising a points issuing unit 1 of fig. 1 for issuing points based on purchase amounts of the customer or participant (col. 3: 52-53), a points management unit 2 of fig. 2 for storing the points (total points or base points) accumulated by the customer and a points redeeming unit 3 of fig. 1 for reducing a purchase amount of the customer upon redeeming points at any participating store within the mall.

In one embodiment, Ikeda discloses a service system wherein a specific or registered customer makes a request to buy goods, while redeeming points, (participant's action) from a home page of an online shopping mall and in response to this request, the service system causes the number of effective points (base points) accumulated by the customer and issued by a plurality of shops for each purchase made at each respective shop (advertiser) and each respective information to be displayed on the customer's terminal or participant's unit, subsequent to identifying the customer or participant using the customer's or

participant's ID, by referring to the data of each shop forming part of the online shopping mall. If the customer still decides to order a product (participant's action), he can click on a shopping button associated with one of the displayed shops to subsequently access an order button and. hence, the point-service system or service system linked to a web server of the online shopping mall is activated to issue points or redeem points at the customer's request or instructions when he inputs an order (see abstract; col. 2: 10-67; figs. 1-19). It is to be understood that a customer can explicitly or implicitly make a request from the point-service system to buy a product from a participating shop, redeem points or simply query the point-service system database for the effective points (base points) accumulated to date.

Further, FIG. 6 shows an example of the display screen (home page) of the online shopping mall transmitted from the mall server to the customer during a transaction, including a points redemption, in step 2 shown in FIG. 5. FIG. 6 shows the data of the goods, prices, advertisement of each shop forming part of the online shopping mall; the number of points issued to and currently accumulated by a customer at each shop; the nearest expiring term of the points held by the customer, that is, the oldest effective term of the points among all

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the points accumulated by the customer; and the points issue ratio and the points redeeming ratio for each shop (col. 6: 29-54).

In short, during a transaction, including point redemption, at a particular shop, the customer's accumulated points for each shop, shop information, purchase data, including points near expiration, etc. are displayed such that if the customer's accumulated points for the shop, at which the customer is conducting a shopping transaction, are not sufficient to complete the redemption transaction (or more points are required), then the can customer choose to redeem oldest points (points near expiration) from another shop before they become expired (figs. 6, 7, 8, 14; col. 5: 22-38; col. 4: 34-40; col. 10: 55 to col. 11: 3).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to combine the teachings of Ikeda's with the Goldhaber's system so as to record in a matrix or table format the accumulated amount of digital cash (coupons or points) provided to the user by each advertiser each time the user reads a unique advertisement from the advertiser or shop owner, the date of the transaction (date and/or time of viewing an advertisement), each related advertisement data, each advertiser's name and/or ID and to retrieve therefrom and display the above

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table or matrix on the customer's computer screen during a transaction (purchase) involving the use or the redemption of a certain amount of digital cash, thereby providing to the customer, without having to search, important information in real-time during a purchase transaction at an advertiser's or retailer's, wherein the customer can determine even before the transaction, without having to embarrass himself, the amount of digital cash needed to complete the transaction in accordance with the redemption ratio at the advertiser's or retailer's store.

Response To Applicant's Arguments

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5, 724, 521 to Dedrick discloses a system for storing a user's profile information, including user's interaction with displayed electronic content and/or advertisements, on the user's computer wherein no outside third party has access to the user's stored profile information.

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719

06/17/05

JDJ

Jean D. Janvier

Patent Examiner

Art Unit 3622

JEAN D. JANVIER
PRIMARY EXAMINER

